

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SHEILA M. GARCIA RIVERA

Plaintiff,

v.

**BALCHEM CORP.,
STERI-TECH, INC., and
MAYS CHEMICAL COMPANY OF PUERTO
RICO, INC.**

Defendants.

CASE NO. 3:25-cv-01056-CVR

JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION FOR FILING AN OMNIBUS RESPONSE, EXCESS PAGES,
AND EXTENSION OF TIME**

TO THE HONORABLE COURT:

COMES NOW plaintiff Sheila M. Garcia Rivera ("Plaintiff"), through undersigned counsel, and respectfully states as follows:

1. On January 31, 2025, Plaintiff filed her Complaint in the above-captioned action. **ECF No. 1.**
2. On May 14, 2025, Defendant Balchem Corporation filed a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6). **ECF No. 19.**
3. On May 15, 2025, Defendant Steri-Tech, Inc. filed its own Motion to Dismiss pursuant to Rule 12(b)(6) (**ECF No. 24**) and also filed a Motion for Joinder to Balchem's Motion to Dismiss (**ECF No. 25**), adopting several of the arguments therein. That same day, Defendant Mays Chemical Company of Puerto Rico, Inc. filed a Motion for Joinder to Balchem's Motion (**ECF No. 22**).

4. The arguments raised in the Motions to Dismiss filed by Defendants significantly overlap, often referencing and incorporating one another. While Defendants also raise certain fact-specific defenses, the core legal issues are largely common and can be addressed efficiently in a consolidated response.
5. Plaintiff respectfully requests leave of Court to file a single Omnibus Opposition to the three pending Motions to Dismiss (ECF Nos. 19, 22, 24, and 25). Given the overlapping factual allegations and legal arguments in the Defendants' motions, an omnibus response will promote judicial economy and avoid unnecessary repetition.
6. Pursuant to Local Civil Rule 7(d) and in recognition of the scope and complexity of the issues raised, Plaintiff further requests leave to exceed the standard page limit and file an Omnibus Opposition of up to fifty (50) substantive pages (excluding caption, tables of contents and authorities, and exhibits).
7. This request reduces the total number of pages that would otherwise be permitted—75 pages (25 per motion)—if separate oppositions were filed.
8. Plaintiff also requests a 14-day extension to the later applicable date to respond with an Omnibus Response to the pending Motions to Dismiss, with Plaintiff's single Omnibus filing due June 12, 2025.¹
9. This District has regularly granted leave to file omnibus Oppositions in response to motions to dismiss, particularly in complex litigations. See *Correa-Figueroa v. Pesquera*, 2014 WL 4827427 (D.P.R. Sept. 29, 2014); see also *Camacho Ortiz v. Municipio de San Juan*, 2021 WL 1202839 (D.P.R. Mar. 29, 2021); *In re Fin. Oversight & Mgmt. Bd. for Puerto Rico*, 594 F. Supp. 3d 433, 445 (D.P.R. 2019); *Hoff v. Popular, Inc.*, 727 F. Supp. 2d 77, 80

¹ On May 21, 2025, Plaintiff's counsel initiated communications with counsel for all Defendants regarding the relief requested in this motion. The parties engaged in further exchanges but were ultimately unable to reach an agreement.

(D.P.R. 2010); *United States v. Rodriguez*, 871 F. Supp. 545, 546 (D.P.R. 1994). Plaintiffs assert that, as in the above-cited cases, given the similarity and internal cross-references in the pending motions, omnibus oppositions are the optimal vehicles to convey their arguments.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order:

1. Granting Plaintiff leave to file a single Omnibus Opposition addressing the pending Motions to Dismiss (**ECF Nos. 19 and 24**) and Motions for Joinder (**ECF Nos. 22 and 25**);
2. Authorizing an extension of the page limit to allow up to fifty (50) substantive pages for the Omnibus Opposition;
3. Authorize and extension of time to file the Omnibus Opposition by 14-days.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 24th day of May, 2025

/s/ Luis V. Almeida-Olivieri

Luis V. Almeida-Olivieri (PR Bar #308307)

Melissa K. Sims (*pro hac vice forthcoming*)

MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, LLC

1311 Ponce de Leon Ave. Suite 700

San Juan, PR, 00907

Tel: (516) 741-5600

Fax: (516) 741-0128

lalmeida@milberg.com

msims@milberg.com

-and-

John Fonda (*pro hac vice forthcoming*)

NAPOLI SHKOLNIK PLLC

360 Lexington Avenue, Eleventh Floor,

New York, NY 10017

Tel: (212) 397-1000

jfonda@napolilaw.com

-and-

Ari Kresch
(PR Bar #309614)
Kresch Legal Services PR, PLLC
1225 Avenida Ponce de Leon, Suite 605
San Juan, Puerto Rico 00907
Tel: (800) 529-3476
akresch@1800lawfirm.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, Luis V. Almeida-Olivieri, an attorney, hereby certify that on May 24th, 2025, I caused a true and correct copy of the foregoing **PLAINTIFF'S UNOPPOSED MOTION FOR FILING AN OMNIBUS RESPONSE, EXCESS PAGES, AND EXTENSION OF TIME FOR REPLIES** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Luis V. Almeida-Olivieri

Luis V. Almeida-Olivieri (PR Bar # 308307)